

FACT SHEET:

High Conflict Divorce & Parental Alienation

Possible Solutions

Establish identification and screening process for high-conflict cases. Recognize that high-conflict cases must be treated differently than "normal" divorces and that parallel parenting, as opposed to co-parenting, is a more effective means of reducing inter-parent conflict.



Differentiate case management for high-conflict cases. Create a system for coordinating and monitoring multiple claims, deadlines & overall litigation; looking for:

1. Excessive filings or court appearances
2. Excessive requests for discovery
3. Filing motions to change unfavorable orders
4. Multiple requests for continuances
5. Abuse of the ex parte process

Prepare highly structured parenting plans that help parents disengage & give less room for parents to manipulate parenting time or feel the other party is manipulating them.

Employ collaborative team of professionals to provide services, including therapy for children & psychological evaluations for the parents. Educate professionals (including judges, parent coordinators, and mediators) to identify abuse. For example, professionals should not assume a "he said she said" paradigm and should be trained to allow more time for distressed parent to formulate his or her thoughts.

Modify attorney conduct in family law cases:

1. Mandate civility
2. Require reasonableness in pleadings
3. Punish lawyers for filing frivolous or bad faith motions
4. Encourage lawyers to focus on the best interests of the children instead of the rights of their clients.

Address mental health concerns:

1. Recognize alienating behavior from a parent as child abuse
2. Support families in high conflict divorces with mental health by requiring psychological evaluations of high-conflict parents and /or mental health support for children.
3. Recognize that co-parenting may not work for all parties and provide additional support through alternatives like Practical Parallel Parenting (please see handout).
4. Provide family courts and mental health professionals with resources and tools for working with people with personality disorders.

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toward romantic partners in adolescence and adulthood and to have higher rates of divorce and maladjustment in adulthood.¹³

Indicia of High-Conflict Divorce & Parental Alienation:



Frequent re-litigation: large case files, multiple attorneys & high professional turnover.

Parent uses numerous "I" statements and words like "control" or "ownership" when referring to the children. Parent appears to see the children as territory.

Parent demonstrates inability to separate the child's needs from his or her own. Or parent disregards the child's feelings by claiming the child is parroting the other parent. Parent lacks empathy towards the child or the other parent. Yet this parent makes grandiose statements such as "my child is my life" while behaving in ways that are contrary to the developmental and emotional needs of the child. This parent demonstrates a feeling of entitlement and that it is okay to hurt others, including the children, to keep them "in line."

Parent employs negative reconstruction of spousal identity, i.e. redefining the spouse in completely negative terms. Has a rigid and predetermined view of "what's happened" and who is to blame.

Parent displays a "neediness" to be seen as ideal, never questioned, and expect others in the family to promote the "image" they have of themselves ("or else"). Parent uses "gas lighting" technique to redirect focus of discussion away from others' complaints and casually treat or make others feel like they're the "crazy" ones.

On the other hand, the at-risk parent may not present well, displaying difficulty presenting evidence due to cognitive or emotional impairments from abuse, fear, or a conviction that he or she will not be believed. This parent may present an inappropriate affect; either demonstrating aggression and anxiety or numbness and disengagement.

¹³ Pollet, S. & Lombreglia, M. (2008). A Nationwide Survey of Parent Education, Family Court Review, Vol. 46:2, pp. 375-394.

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In most high-conflict families, one or both parents exhibit either narcissistic, obsessive-compulsive, histrionic, paranoid, psychotic or borderline personalities.⁶

A 2007 study conducted by the National Institute of Mental Health found that the prevalence for of personality disorders in the United States is 9.1%.

A 2004 survey that screened for personality disorders among U.S. citizens found an overall rate of 14.79%.⁷

In 2014, the number of divorces in Michigan was 29, 706. Of these, the number of divorces involving children was 26, 214.⁸ Extrapolating 25% of Michigan cases as high-conflict, 6,553 children were impacted in 2014 by their parents' high-conflict divorce.

Effect on Children:



Studies overwhelmingly conclude that the harm to children is not from their parents' divorce but from the conflict.⁹

Children exposed to chronic inter-parental conflict face a greater risk of suffering longer-term negative effects than those who experience a "normal" divorce, which is defined as a divorce where parental conflict subsides two to three years after entry of the judgment.¹⁰ These children exhibit higher levels of anxiety, depression, and disruptive behavior.¹¹ They are 2 to 4 times more likely to be clinically disturbed in emotions and behavior.¹² And they are more likely to be abusive

⁶ Elrod, (2001). A Minnesota Comparative Family Law Symposium: Reforming the System to Protect Children in High Conflict Custody Cases, Wm. Mitchell L. Rev., Vol. 28, p. 495.

⁷ Grant BF, Hasin DS, Stinson FS, et al. (July 2004). "Prevalence, correlates, and disability of personality disorders in the United States: results from the national epidemiologic survey on alcohol and related conditions". J Clin Psychiatry. 65 (7): 948-58.

⁸ 2014 Michigan Occurrence Divorce Files, Division for Vital Records & Health Statistics, Michigan Department of Health & Human Services; Population Estimate (latest update 9/2014), National Center for Health Statistics

⁹ Elrod. Reforming the System to Protect Children in High Conflict Custody Cases, William Mitchell Law Review, Vol 28, Iss.2, Article 5 (2001).

¹⁰ Fischer, R., (1997). The Impact of an Educational Seminar for Divorcing Parents: Results from a National Survey of Family Court Judges, Journal of Divorce & Remarriage, Vol. 28 (1/2), p. 35.

¹¹ Pollet, S. & Lombreglia, M. (2008). A Nationwide Survey of Parent Education, Family Court Review, Vol. 46:2, pp. 375-394.

¹² Fischer, R., (1997). The Impact of an Educational Seminar for Divorcing Parents: Results from a National Survey of Family Court Judges, Journal of Divorce & Remarriage, Vol. 28 (1/2), p. 35.

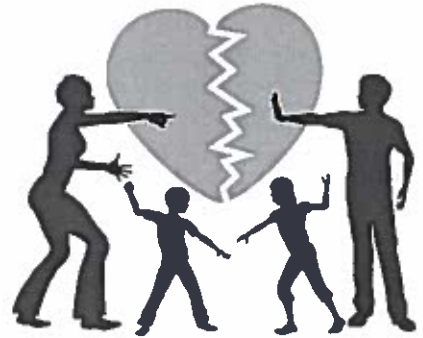
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Definition of High-Conflict:

A high-conflict divorce is defined as a divorce process that lasts longer than two years and is characterized by a high degree of anger, hostility, and distrust, intensive custody litigation, ongoing difficulty in communicating about the care of their children, and higher than usual rates of nonpayment of child support.¹

High-conflict families do not benefit from the basic services available to divorcing couples such as parental education programs, mediation, and divorce counseling.²



Definition of Parental Alienation:

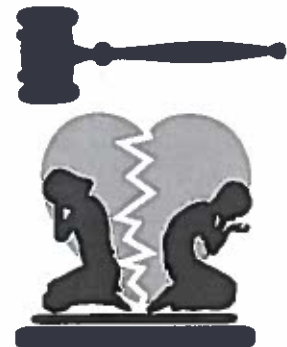


Parental Alienation is a mental condition in which a child—usually one whose parents are engaged in a high-conflict separation or divorce—allies himself strongly with one parent (the preferred parent or alienating parent) and rejects a relationship with the other parent (the target parent) without legitimate justification.³

Prevalence:

One-fourth of divorces are characterized as high-conflict.⁴

High-conflict cases consume 90% of family court time.⁵ Although a statistical minority, they are the most costly in terms of litigation, resources, court time, financial cost, and emotional toll on the participants.



¹ Haddad, Lisa, PHD RNA; Phillips, Kenneth D, PHD RNA; Bone, J Michael, PHD. High-Conflict Divorce: A Review of the Literature, *American Journal of Family Law* 29.4 (Winter 2016): 243-258.

² Haddad, Lisa, PHD RNA; Phillips, Kenneth D, PHD RNA; Bone, J Michael, PHD. High-Conflict Divorce: A Review of the Literature, *American Journal of Family Law* 29.4 (Winter 2016): 243-258.

³ Bennet, William. Parental Alienation: Misinformation versus Facts. *The Judges' Journal* 54.3 (Summer 2015): 23,25-27.

⁴ Malcor, Sylvia A., Windell, James, Seyuin, Mary, and Hill, Elizabeth. Predictors of Continued Conflict After Divorce or Separation: Evidence From a High-Conflict Group Treatment Program, *Journal of Divorce & Remarriage* Vol. 51, Iss. 1, 2009

⁵ Haddad, Lisa, PHD RNA; Phillips, Kenneth D, PHD RNA; Bone, J Michael, PHD. High-Conflict Divorce: A Review of the Literature, *American Journal of Family Law* 29.4 (Winter 2016): 243-258.